

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

HILTON EVANS,

Defendant-Appellant.

UNPUBLISHED

October 25, 2005

No. 256183

St. Joseph Circuit Court

LC No. 03-011783-FH

Before: Talbot, P.J., and White and Wilder, JJ.

MEMORANDUM.

Defendant appeals as of right his conviction for felony absconding or forfeiting bond, MCL 750.199a. We affirm.

Defendant argues on appeal that there was insufficient evidence of his charge presented at trial. When a defendant challenges the sufficiency of the evidence, this Court must view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could have found all of the elements of the offense proven beyond a reasonable doubt. *Jackson v Virginia*, 443 US 307, 319; 99 S Ct 2781; 61 L Ed 2d 560 (1979); *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), modified 441 Mich 1201 (1992). “A felony prosecution for forfeiture of a bond requires a minimal showing that a defendant recklessly neglected or disregarded a known obligation to appear and defend,” *People v Rorke*, 80 Mich App 476, 478-479; 264 NW2d 30 (1978), and specific intent to abscond need not be shown. *People v Demers*, 195 Mich App 205, 208; 489 NW2d 173 (1992). Therefore, it need only be shown “that a defendant was apprised of his or her court date” and recklessly neglected or disregarded that obligation. *Rorke, supra*, 479.

Defendant first argues on appeal that the prosecution failed to present sufficient evidence that defendant forfeited a bond. He contends that the submission of the “order revoking release or forfeiting bond and notice of intent to enter judgment” does not establish that a forfeiture actually occurred. That contention is without merit because the official court document presented to the trial court clearly establishes that defendant had a bond that he forfeited.

Next defendant argues that two statutes, MCL 765.15 and 765.28, impose certain burdens on the prosecution and the trial court when a defendant is charged with absconding bond. Defendant is mistaken. Those statutes impose no such burdens because they only describe the

procedures for the disposition of forfeited bond and the return of forfeited bond under certain circumstances.

Finally, defendant argues that the prosecution failed to prove defendant absconded on a bond because defendant's trial date was unclear. The prosecution provided letters sent by defendant's former counsel showing the trial date, and also presented evidence that defendant called his former counsel and the prosecutor's office before the trial date and told them that he would not attend the date even though it was scheduled. The prosecution therefore presented sufficient evidence from which the jury could reasonably have found that defendant recklessly or negligently failed to appear in court on a date he had been notified his trial was to take place.

Affirmed.

/s/ Michael J. Talbot
/s/ Helene N. White
/s/ Kurtis T. Wilder